

Alfonso Capone

(Name)

California Rehabilitation Center

(Address)

P.O. Box 1841 MURDO, CA 92860-0991
(City, State, Zip)F51652

(CDC Inmate No.)

FILED

OCT 22 2007

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

2254	1983	✓
FILING FEE PAID		
Yes	No	✓
HPP MOTION FILED		
Yes	No	✓
COPIES SENT TO		
Court	Prosec	✓

United States District Court
Southern District of California

(Enter full name of plaintiff in this action.)

Alfonso Capone II

Plaintiff,

'07CV 2076 JLS WMC

Civil Case No.

(To be supplied by Court Clerk)

v. Los Angeles County Jail
And Court Div 117 CCBComplaint Under the
Civil Rights Act
42 U.S.C. § 1983Los Angeles County Jail
Judge; Barbara J. Johnson

(Enter full name of each defendant in this action.)

Defendant(s).

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Alfonso CaponeEdward Capone, who presently resides at Calif. Rehabilitation Center, (print Plaintiff's name)P.O. Box 1841 MURDO, CA 92860-0991, (mailing address or place of confinement)

were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at Div 117CCB LA COUNTY COURTS on (dates) 2004 NOV. 12, 2006 JAN, and _____.

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

ALSO LA COUNTY JAIL

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant Brian J. Toffusau resides in Los Angeles,
 (name) (County of residence)
 and is employed as a Judge.
 (defendant's position/title (if any)) This defendant is sued in
 his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: denied me Federal court and
JAIL ONLY. A APPOINTMENT given in
APRIL 1998 by Federal Appellate

Defendant Los Angeles County resides in Los Angeles,
 (name) (County of residence)
 and is employed as a Jail.
 (defendant's position/title (if any)) This defendant is sued in
 his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: 2006 in L.A. County Jail I
caught CANE ALSO FOLLOW JUDGE

Defendant _____ resides in _____,
 (name) (County of residence)
 and is employed as a _____.
 (defendant's position/title (if any)) This defendant is sued in
 his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ resides in _____,
 (name) (County of residence)
 and is employed as a _____.
 (defendant's position/title (if any)) This defendant is sued in
 his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated:

(E.g., right to medical care, access to courts,

(due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

I APPPEALED my 1994 CASE IN WASHINGTON DC. FEDERAL COURTS OF APPEAL ON NO GUILTY AND 3 STRIKER LAW AND I WAS GRANTED TO WIN IN MY CASE. ALSO A FEDERAL APPOINTMENT WITHIN STATES FEDERAL HOLDING AND FEDERAL COURTS ONLY ON APRIL 29, 1998. ALL THIS INFORMATION IS IN MY COURT FILE AND THE BEGINNING OF MY FILE. JUDGE JOHNSON DENIED AND GAVE A COUNTY TRIAL WITHOUT APPROVAL BY FEDERAL COURTS. I WAS ASSIGNED A FEDERAL REPRESENTATIVE (JUDGE) WHO'S OFFICE IS IN LOS ANGELES COUNTY WHO GAVE ME NO ATTORNEY.

MY NAME ON APPEAL

NAME: LUDWY ANDERSON JR.

SSN: 555-96-2304

Count 2: The following civil right has been violated:

(E.g., right to medical care, access to courts,

~~due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)~~

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

WHILE BEING HELD IN LT COUNTY JAIL
 I SAW A GREEN AND YELLOW STANCHION
 I WAS SENT TO NORTH KORN STATE PRISON
 AND TESTED, BY URINE AND BLOOD SAMPLES
 AND TOLD THAT ILLNESSES ARE 6
 MONTHS TO ONE YEAR OLD IN NOVEMBER
 2006 AND PLACED IN MURK HOSPITAL
 IN BAKERSFIELD FOR SURGERY, AND
 REMAINED IN MURK HOSPITAL UNTIL JAN. 2007
 SURGEON: ROLAND RODRIGUEZ AND DOCTOR:
 BYRON MUI. STATED THE SAME AS DOCTOR
 IN NORTH KORN PRISON THAT MY ILLNESSES
 ARE 6 MONTHS TO ONE YE. OLD IN NOV. 2006
 I AM CURRENTLY TAKING CHIROMOTHERAPY AND
 MEDICATION FOR BOTH, THIS MEDICATION IS
 DAILY AND CHIROMOTHERAPY WEEKLY. SURGEON
 ALSO STATED WITHOUT SURGERY I WOULD
 DIE IN ONE YEAR. ALSO THAT IT WAS
 ADMINISTERED THROUGH FOOD OR LIQUID
 ON MEDICATION. THE DOCTORS STATED AND
 GAVE INFORMATION IN MY MEDICAL
 RECORD IT WAS AND IN MURK HOSPITAL
 IN BAKERSFIELD

Count 3: The following civil right has been violated:

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? Yes No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: FEDERAL COURTS AND FEDERAL JAIL
ONLY, OVER IF ONLY A J-WALKING RESENT
ALSO THE EXCETTING OF CANCER AND
YACCIW TAWNDICR

(e) Approximate date case was filed: COUNTY: 05/11/07

(f) Approximate date of disposition: APRILLS COORDINATION 3-27-07
APPEALS BRANCH 7-16-07

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.]? Yes No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

COUNTY AND STATE CLOUDS ALSO ALL
COULD IN FILING 602 FORM

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): Stay in Prison

OR stay Prisoner or probation also
Damages

2. Damages in the sum of \$ _____.

3. Punitive damages in the sum of \$ _____.

4. Other: _____

F. Demand for Jury Trial

Plaintiff demands a trial by Jury Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

10-15-07

Date

Signature of Plaintiff

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Alfonso Capone II

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

2004	1983
DEFENDANTS	
FILING FEE PAID	
Yes	No
CIVIL MOTION FILED	
Yes	County of Residence of First Listed Plaintiff Cases Only
COPIES SENT TO	
Court	Person

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

'07 2076 JLS WMC

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> PT	<input type="checkbox"/> DEF	PT	DEF	
Citizen of Another State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> K20 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property				

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 10/22/2007

SIGNATURE OF ATTORNEY OF RECORD

FILED

Oct 22 2007

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY R.M.

DEPUTY